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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,688	03/22/2004	Richard Paul Miller	20712-0093	8758

65885 7590 01/19/2007
MCNEES WALLACE & NURICK, LLC
100 PINE ST.
P.O. BOX 1166
HARRISBURG, PA 17108-1166

EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,688	MILLER ET AL.	
	Examiner	Art Unit	
	Allan Kuhns	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 21-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1.The foreign patent documents denoted by "Q" and "R" in the IDS filed March 22, 2004 are missing from the file available to the examiner. Please provide copies of those documents in response to this Office action so that review of that IDS may be completed.

2.Applicant's election with traverse of Group I in the reply filed on December 19, 2006 is acknowledged. The traversal is on the ground(s) that the groups are not both independent and distinct and it would not be an undue burden on the examiner to search and examine both inventions. This is not found persuasive because the inventions are independent and distinct (and an undue burden would ensue) if both inventions were examined since one group requires a search for apparatus structure while the other group involves manipulative steps.

The requirement is still deemed proper and is therefore made FINAL.

3.Claims 21-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 19, 2006.

4.Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While a press is being claimed, these claims are indefinite because many of the limitations are recited in terms of manipulative steps conducted rather than the structure of the press itself. Examples are the heating of a portion of the vessel by the lower platen to a predetermined temperature, as in claims 1,

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9 and 10, the description of the pressurized material, as in claim 8, and the temperature of the heated lower platen in relation to a flash point of the injected material, as in claim 11.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutton et al. (4,650,947). Hutton et al. disclose the claimed press structure including an upper platen and a heated lower platen (column 3, lines 27-37) that are selectably movable toward and away from each other for conformally but nondeformingly receiving a vessel or bow therebetween so that vessel surfaces in conformal contact with the platens remain substantially undeformed while the vessel is filled with pressurized material (column 9, lines 7-12), and wherein a portion of the vessel or bow is heated to at least a predetermined temperature by the heated lower platen.

The vessel or bow of Hutton et al. is a roof assembly, as in claim 2, has non-parallel portions, as in claim 3, and is angled, as in claim 4. The lower platen is heated by heating elements, as in claim 7. The pressurized material is a foam material (column 2, line 50), as in claim 8. It is submitted that the expansion, bonding promotion, and injected material temperature of claims 9-11 are inherently achieved during the operation of the press of Hutton et al. in the manner disclosed by Hutton et al.

6.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7.Claims 5, 6,12, 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al. The basic claimed press is disclosed by Hutton et al. as described previously. Heating a press platen by fluid means, as in claim 6, is well known and would have been an obvious alternative for one of ordinary skill in the art to achieve a desired bow or vessel temperature. The limitation of claim 5 is a statement of an intended use for the product and not directly related to the press structure itself. Inclusion of movable portions and indicators, as in claims 12, 13 and 15-17, are also well known and would have been obvious to one of ordinary skill in the art in order to accommodate relatively more sophisticated performs or bows.

8.Claims 14 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allan R. Kuhns
ALLAN R. KUHNS
PRIMARY EXAMINER Au 1732
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